THE HON'BLE SRI JUSTICE V.ESWARAIAH

W.P.NO.23167 OF 2005

Dt.27.10.2005

Between:

A.Yadagiri … Petitioner

And

The Joint Collector-I (C.S.), R.R.District

At Saifabad, Hyderabad and another. … Respondents

ORDER:

Heard the learned counsel for the petitioner and the learned Government Pleader for Civil Supplies.

The petitioner is the Fair Price Shop dealer of Shop No.1 of Nedunur Village, Kandukur Mandal, Ranga Reddy District. Pursuant to the report of the Mandal Revenue Officer, Kandukur, making certain allegations against the petitioner in diverting PDS rice, kerosene and rice meant for Food For Work into black market for pecuniary gains, the 2nd respondent issued show cause notice dated 3.10.2005, for which the petitioner submitted his explanation which was received by the 2nd respondent on 13.10.2005 and without considering the said explanation, the 2nd respondent issued the proceedings dated 14.10.2005 suspending the authorization of the petitioner pending enquiry. Aggrieved by the same, the petitioner filed an appeal before the Joint Collector-I (C.S), Ranga Reddy District on 20.10.2005 under Clause 20(i) of A.P.S.P.D.S.Control Order, 2001. It is stated that though stay application has been filed, no orders have been passed so far.

The Division Bench of this Court in similar facts and circumstances of the case in ***K.Yerri Swamy v. C.Krishna Chowdary*** held that it is not open for this Court to suspend or grant stay of operation pending enquiry and it is for the appellate authority to pass appropriate orders in accordance with law.

Following the same, the writ petition is disposed of directing the Joint Collector-I (C.S.), Ranga Reddy District, to pass appropriate orders on the stay application as well as on the appeal in accordance with law as expeditiously as possible. No costs.

(V.ESWARAIAH, J.)

27.10.2005

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